

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

IN RE:

BILLY JOE MCPHERSON

Debtor.

Case No. 1:16-bk-06848

Chapter 13

Judge: MARIAN F. HARRISON

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 02/09/2018.
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE 02/23/2018 AT 9:00 A.M.
AT THE FEDERAL BUILDING AND COURTHOUSE, 815 SOUTH GARDEN ST., COLUMBIA,
TN 38401.**

NOTICE OF MOTION TO SUSPEND PLAN PAYMENTS

Debtor has asked the court for the following relief: TO SUSPEND PLAN PAYMENTS FOR NINETY DAYS.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 a.m. - 4:00 p.m.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Dated: January 19, 2018

/s/L. G. Burnett, Jr.
L. G. Burnett, Jr. TN BPR #006463
Attorney for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

IN RE:

BILLY JOE MCPHERSON

Debtor.

Case No. 1:16-bk-06848

Chapter 13

Judge: MARIAN F. HARRISON

MOTION TO SUSPEND CHAPTER 13 PLAN PAYMENTS

Comes now the Debtor, Billy Joe McPherson, by and through counsel, pursuant to Local Rule 9075-1, and requests the Court to enter an Order to Suspend Debtor's Chapter 13 Plan Payments for ninety (90) days. In support of this Motion, Debtor states the following:

1. Debtor moves for an order to suspend Chapter 13 Plan payments for ninety (90) days.
2. Debtor has lost his employment and is actively seeking new employment.
3. Despite Debtor's efforts, he is unable to fund the plan and pay for necessary living expenses. *See* attached Amended Family Budget.
4. Debtor proposes:
 - a. To suspend Plan payments for ninety (90) days.
 - b. After the suspension period, the Plan payments shall increase to \$272.50 weekly.
 - c. The guaranteed minimum dividend to allowed unsecured claims would remain at twenty percent (20%), and Debtor will continue to receive any tax refunds to which he is entitled for the remainder of the bankruptcy term.
 - d. The Plan would continue on a probationary basis subject to dismissal upon application of the Trustee following a future default in Plan payments.
 - e. Debtor will attend the Trustee's Financial Management Class within forty- five (45) days of the date of the Order Granting Motion to Suspend is entered.

- f. No other terms of the confirmation order shall be affected by the Plan payment suspension.

WHEREFORE, the Debtor respectfully prays that this Honorable Court enter an order for the following relief:

- a) To modify the Plan according to the terms proposed above;
- b) That the Trustee shall issue a refund for any payments received during the period of suspension; and
- c) Any further and just relief this Court deems necessary.

Dated on January 19, 2018.

Respectfully submitted,

/s/L. G. Burnett, Jr.

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IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN RE:

BILLY JOE MCPHERSON

DEBTOR

CASE NO. 1:16-bk-06848

CHAPTER 13

Judge: MARIAN F. HARRISON

AMENDED MONTHLY FAMILY BUDGET

			<u>Prior Budget</u>	<u>Current Budget</u>
Dates of Budgets:			<u>9/1/2017</u>	<u>1/18/2018</u>
<u>EXPENSES</u>				
Rent/Mortgage Payment:			<u>\$650.00</u>	<u>\$650.00</u>
Utilities:	Prior	Current		
Electric, heat, natural gas	<u>\$300.00</u>	<u>\$300.00</u>		
Water, sewer, garbage	<u>\$0.00</u>	<u>\$0.00</u>		
Telephone/Cell Phone/Inet/Cable	<u>\$255.00</u>	<u>\$255.00</u>		
Home Maintenance	<u>\$0.00</u>	<u>\$0.00</u>		
HOA Dues	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other:	<u>\$0.00</u>	<u>\$0.00</u>		
Total Utilities			\$555.00	\$555.00
Food			<u>\$375.00</u>	<u>\$375.00</u>
Child Care, Children Education Costs			<u>\$0.00</u>	<u>\$0.00</u>
Clothing, Laundry, dry cleaning			<u>\$50.00</u>	<u>\$40.00</u>
Personal Care Products			<u>\$50.00</u>	<u>\$46.00</u>
Medical and Dental Expenses			<u>\$15.00</u>	<u>\$15.00</u>
Transportation (not including car pmts)			<u>\$200.00</u>	<u>\$200.00</u>
Insurance (not deducted from wages):				
Auto	<u>\$230.00</u>	<u>\$230.00</u>		
Life	<u>\$0.00</u>	<u>\$0.00</u>		
Home	<u>\$0.00</u>	<u>\$0.00</u>		
Renters	<u>\$0.00</u>	<u>\$0.00</u>		
Other:	<u>\$0.00</u>	<u>\$0.00</u>		
Total Insurance:			\$230.00	\$230.00
Taxes: (not deducted from wages)/self emp			<u>\$0.00</u>	<u>\$0.00</u>
Domestic Support (Alimony, Child Support)			<u>\$0.00</u>	<u>\$0.00</u>
Car Payment			<u>\$0.00</u>	<u>\$0.00</u>
Other Monthly Expenses				
Entertainment			<u>\$0.00</u>	<u>\$0.00</u>
Charitable/Religious Donations			<u>\$0.00</u>	<u>\$0.00</u>
Other			<u>\$0.00</u>	<u>\$0.00</u>
Other			<u>\$0.00</u>	<u>\$0.00</u>
Other			<u>\$0.00</u>	<u>\$0.00</u>
Other			<u>\$0.00</u>	<u>\$0.00</u>
TOTAL MONTHLY EXPENSES:			<u>\$2,125.00</u>	<u>\$2,111.00</u>

<u>INCOME</u>			<u>Prior Budget</u>	<u>Current Budget</u>
Debtor's Gross Income:			<u>\$4,465.99</u>	<u>\$0.00</u>
Spouse's Gross Income:			<u>\$0.00</u>	<u>\$0.00</u>
Payroll Deductions:				
Payroll Taxes	<u>-\$1,078.30</u>	<u>\$0.00</u>		
401(k)	<u>\$0.00</u>	<u>\$0.00</u>		
Insurance	<u>-\$150.24</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Total Payroll Deductions:			<u>-\$1,228.54</u>	<u>\$0.00</u>
Other Regular Income:				
Support/Alimony	<u>\$0.00</u>	<u>\$0.00</u>		
Pension/SS/VA	<u>\$0.00</u>	<u>\$0.00</u>		
Family Contributions	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other	<u>\$0.00</u>	<u>\$0.00</u>		
Other:	<u>\$0.00</u>	<u>\$0.00</u>		
Total Other Regular Income:			<u>\$0.00</u>	<u>\$0.00</u>
TOTAL MONTHLY INCOME:			<u>\$3,237.45</u>	<u>\$0.00</u>
<u>SUMMARY:</u>				
Total Monthly Income			<u>\$3,237.45</u>	<u>\$0.00</u>
Minus Total Monthly Expenses			<u>\$2,125.00</u>	<u>\$2,111.00</u>
Equals Monthly Surplus:			<u>\$1,112.45</u>	<u>-\$2,111.00</u>
Monthly Plan Payment:	<u>\$1,108.25</u>	<u>\$1,206.83</u>		
Duration of Plan (months):	<u>50 m remain</u>	<u>43 m remain</u>		
Dividend to Unsecured Creditors (%):	<u>20.00%</u>	<u>20.00%</u>		
Secured Creditors Affected:				

*Explain any increase/decrease in income/expenses that exceeds 10%:

/s/ Billy Joe McPherson
Debtor
January 18, 2018
Date

PROPOSED ORDER

IN THE UNITED STATES BANKRUPTCY COURT MIDDLE DISTRICT OF TENNESSEE

IN RE:

BILLY JOE MCPHERSON

Debtor.

Case No. 1:16-bk-06848

Chapter 13

Judge: MARIAN F. HARRISON

ORDER ON MOTION TO SUSPEND CHAPTER 13 PLAN PAYMENTS

Upon consideration of Debtor's Motion to Suspend Chapter 13 Plan Payments filed on January 19, 2018 it appears to the Court that notice of said motion pursuant to LBR 9013 has been given. It further appears to the Court no objections, responses or otherwise have been filed within the twenty-one (21) day response period. It is therefore:

ORDERED that the Plan payments shall be suspended for ninety (90) days;

ORDERED that the Trustee shall issue a refund for any payments received during the period of suspension;

ORDERED that after the suspension period, the Plan payments will increase to \$272.50 weekly;

ORDERED that the guaranteed minimum dividend to allowed unsecured claims would remain at twenty (20%) percent, and Debtor will continue to receive tax refunds to which he is entitled;

ORDERED that the Plan would continue on a probationary basis subject to dismissal upon application of the Trustee following a future default in Plan payments;

ORDERED that the Debtor will attend the Trustee's Financial Management Class within forty- five (45) days of the date of the Order Granting Motion to Suspend is entered;

ORDERED that there shall be no changes to the treatment of the secured or unsecured creditors.

IT IS SO ORDERED.

THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE TOP
OF THE FIRST PAGE

Approved For Entry By:

/s/L. G. Burnett, Jr.

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